



Staff Contact: Brad Watson (x69719)

November 14, 2007

## Appropriations Policy Brief

### H.R. 4156 — FY 2008 Orderly and Responsible Iraq Redeployment Appropriations Act

#### BY THE NUMBERS:

*In millions*

	Request	House
DOD War Supplemental, Title II	189,000	49,998
<b>Total</b>	<b>189,000</b>	<b>49,998</b>

**Background:** The President has requested \$189 billion in FY 2008 DOD emergency spending to fund operations in Iraq and Afghanistan. To date, \$16.8 billion has been appropriated, and designated as emergency spending, for Mine Resistant Ambush Protected (MRAP) vehicles. H.R. 4156 is meant to take the place of the \$70 billion down-payment on future emergency spending needed to finance the wars in Iraq and Afghanistan, also known as the “bridge fund.” Should this legislation be enacted (though no SAP is available at press time, the President has previously expressed opposition to numerous provisions included in Title I of the bill), the Congress would still be leaving the majority of the supplemental request unfulfilled.

**Budget Compliance:** A CBO cost estimate is not yet available. However, H.R.4156 designates the entire \$50 billion as emergency spending to avoid the \$954 billion discretionary cap set by the budget resolution (S.Con.Res. 21). The budget resolution set no limit on emergency spending.

## **Iraq Policy Section (Title I):**

In general, Title I of the bill contains many of the same provisions included in other Iraq measures considered by this Congress, including the previous House-passed versions of the [FY 2007 Iraq supplemental](#) that were not enacted into law.

**Sense of Congress on Purpose of Funding:** States that it is the sense of the Congress that “the primary purpose of funds made available by this act should be to transition the mission of the United States Armed Forces in Iraq and undertake their redeployment, and not to extend or prolong the war.”

**Interrogation:** Prohibits the U.S. government from using interrogation techniques not “authorized by and listed in the United States Army Field Manual FM2-22.3 Human Intelligence Collector Operations.”

**Torture Prohibition:** Prohibits the use of funds to negate a series of laws and regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Section 1313).

**Mission Capable Units in Iraq:** Prohibits funds from being used to deploy any unit of the Armed Forces to Iraq unless the President has certified in writing to Congress at least 15 days in advance of the deployment that the unit is fully mission capable. The President may waive this requirement for “reasons of national security.”

**Withdrawal from Iraq:** Requires the President, within 30 days of this bill’s enactment, to commence an immediate and orderly redeployment of U.S. Armed Forces from Iraq. H.R. 4156 sets as the goal for the transition to a “limited presence” by December 15, 2008. This limited presence would consist of:

- Protecting the U.S. Armed Forces, U.S. diplomatic facilities, and American citizens
- “Conducting limited training, equipping, and providing logistical and intelligence support to the Iraq Security forces”; and
- Engaging in “targeted counterterrorism operations.”

Requires the Secretary of Defense to report to Congress by February 1, 2008, and then every 90 days thereafter, on the progress toward a presence in Iraq that meets what is outlined in the bill and described above.

**Possible Conservative Concerns:** Some conservatives might be concerned that this legislation would undermine the constitutional authority of the President as Commander-in-Chief. Furthermore, some conservatives might be concerned that this bill would give strength to our enemy by showing American weakness and encouraging our enemy to wait until after the deadlines in this legislation to launch more attacks.

## **Defense War Supplemental (Title II):**

*In millions*

<b>Department of Defense</b>	<b>Request</b>	<b>House</b>
Military Personnel	5,434	1,003
Operations & Maintenance	80,972	43,205
<i>Army</i>	54,933	27,429
<i>Navy</i>	6,253	2,071
<i>Marine Corps</i>	4,675	2,429
<i>Air Force</i>	10,810	3,583
<i>Defense-wide</i>	6,402	1,331
<i>Army Reserve</i>	197	61
<i>Navy Reserve</i>	83	48
<i>Marine Corps Reserve</i>	68	26
<i>Air Force Reserve</i>	24	8
<i>Army National Guard</i>	757	378
<i>Air National Guard</i>	103	34
<i>Afghanistan Security Fund</i>	NA	500
<i>Iraq Security Forces</i>	3,000	500
<i>Iraq Freedom Fund</i>	208	3,168
<i>Joint Improvised Explosive Device Defeat Fund</i>	4,269	1,639
Procurement	45,503	5,141
Defense Health Program	1,137	649
<b>Total</b>	<b>189,000</b>	<b>49,998</b>

### **Items of Note:**

**Transfer Authority:** Allows the Secretary of Defense to transfer, between the accounts in this bill, up to \$4 billion.

**Permanent Bases/ Control of Oil in Iraq:** Prohibits funds from being used to establish any military installation or base for the purpose of providing for the permanent stationing of U.S. Armed Forces in Iraq. In addition, the bill prohibits funds from being used to “exercise United States control over any oil resource in Iraq.” This language is substantively the same as H.R. 2929, which passed the House on July 25, 2007. For more analysis on this issue, see the RSC Legislative Bulletin for [H.R. 2929](#).

**Report on Performance Indicators:** Requires the Secretary of Defense, by January 15, 2008 and then every 90 days thereafter, to report to Congress on a “comprehensive set of performance indicators and measures of for progress toward military and political stability in Iraq” as detailed in the bill (and similar to benchmarks included in previous Iraq-withdrawal legislation).

**Notification Requirement:** Requires the Secretary to notify the congressional defense committees of any proposed new projects or transfers of funds between sub-activity groups

in excess of \$15,000,000 using funds appropriated by this Act under the headings Iraq Security Forces Fund and Afghanistan Security Forces Fund.

---